

June 13, 2003

Via Electronic Filing

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Presentation in CC Docket No. 02-33

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, the Competitive Telecommunications Association ("CompTel") hereby gives notice that on June 12, 2003, its representatives met with Commissioner Kevin Martin and Daniel Gonzalez, Senior Legal Advisor to Commissioner Martin.

CompTel explained that the main concern raised by incumbent LECs in this proceeding—whether there are regulatory barriers to incumbent LEC broadband deployment—appears to have been largely resolved in the Commission's Triennial Review decision. Therefore, the major significant issue raised by other parties to this proceeding—how to ensure that incumbent LECs do not abuse their bottleneck monopoly over the last mile to stifle competition in downstream markets—is the only issue of significance that remains. While the Commission could try to craft adequate safeguards under Title 1, CompTel believes this is unnecessary because the existing Title 2 safeguards are already in place and their legal basis securely established. Moreover, the Commission retains adequate flexibility under Title 2 to forbear from its existing rules, as justified. Thus, the Commission secures no new benefit, and places existing safeguards in jeopardy by reclassifying DSL transmission services as "information services."

Representing CompTel were H. Russell Frisby, President, and the undersigned attorney.

Sincerely,

Jonathan Lee
Vice President,
Regulatory Affairs